AMENDMENT TO RULES COMM. PRINT 117–31
OFFERED BY MRS. BOEBERT OF COLORADO

At the appropriate place in division D, insert the following:

SEC. ___. IMPOSITION OF SANCTIONS WITH RESPECT TO
MOBILE APPLICATIONS OR SOFTWARE PROGRAMS THAT ENGAGE IN THEFT OR UNAUTHORIZED TRANSMISSION OF USER DATA.

(a) IMPOSITION OF SANCTIONS.—Notwithstanding any other provision of law, the President is authorized to impose the sanctions described in subsection (b) with respect to any foreign person that the President determines has developed, maintains, provides, owns, or controls a mobile application or software program that—

(1) engages in the theft or unauthorized transmission of a user’s data to servers located in China;

and

(2) provides to the Government of the People’s Republic of China (PRC), the Chinese Communist Party (CCP), or any person owned by or controlled by the PRC or CCP access to such data.

(b) SANCTIONS DESCRIBED.—
(1) IN GENERAL.—The sanctions described in this subsection with respect to a foreign person determined by the President to be subject to subsection (a) are the following:

(A) ASSET BLOCKING.—The President shall exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

(i) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—In the case of a foreign person who is an individual, the foreign person is—

(I) inadmissible to the United States;
(II) ineligible to receive a visa or other documentation to enter the United States; and

(III) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(ii) CURRENT VISAS REVOKED.—

(I) IN GENERAL.—In the case of a foreign person who is an individual, the visa or other documentation issued to the person shall be revoked, regardless of when such visa or other documentation is or was issued.

(II) EFFECT OF REVOCATION.—

A revocation under subclause (I) shall—

(aa) take effect immediately;

and

(bb) automatically cancel any other valid visa or entry documentation that is in the person’s possession.
(2) Penalties.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations promulgated under subsection (e) to implement this section to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of such Act.

(3) Exception to comply with United Nations Headquarters Agreement.—Sanctions under paragraph (1)(B) shall not apply to a foreign person who is an individual if admitting the person into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(c) Waiver.—The President may, on a case-by-case basis and for periods not to exceed 180 days, waive the application of sanctions imposed with respect to a foreign person under this section if the President certifies to the
appropriate congressional committees not later than 15 days before such waiver is to take effect that the waiver is vital to the national security interests of the United States.

(d) IMPLEMENTATION AUTHORITY.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) for purposes of carrying out this section. The exceptions to the President’s authority described in section 203(b) of the International Emergency Economic Powers Act, as amended by section 1, shall not apply to the President’s authority to exercise authorities under this section.

(e) REGULATORY AUTHORITY.—

(1) IN GENERAL.—The President shall, not later than 180 days after the date of the enactment of this Act, prescribe regulations as necessary for the implementation of this Act and the amendments made by this Act.

(2) NOTIFICATION TO CONGRESS.—No later than 10 days before the prescription of regulations under subsection (1), the President shall notify the appropriate congressional committees regarding the proposed regulations and the provisions this Act and
the amendments made by this Act that the regulations are implementing.

(f) DEFINITIONS.—In this section:

(1) ADMITTED; ALIEN.—The terms “admitted” and “alien” have the meanings given those terms in section 101(3) of the Immigration and Nationality Act (8 U.S.C. 1101(3)).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Ways and Means, and the Committee on Financial Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) FOREIGN PERSON.—The term “foreign person” means a person that is not a United States person.

